



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes:

MNR; MNDC, MNSD; FF

Introduction

This is the Landlords' application for a Monetary Order for unpaid rent, loss of revenue and compensation for damage or loss; to retain the security deposit in partial satisfaction of their monetary claim; and to recover the cost of the filing fee from the Tenant.

The parties gave affirmed testimony at the Hearing.

The Landlord WM testified that he mailed the Notice of Hearing documents to the Tenant on January 21, 2011, by registered mail. The Landlord indicated that the Tenant did not leave a forwarding address, so he mailed the documents to her mother's residence. The Landlords provided copies of the registered mail receipt, tracking number and Canada Post tracking information in evidence. The Tenant signed into the Hearing and acknowledged receiving the Notice of Hearing documents. Further to the provisions of Section 71(2)(c) of the Act, I find that the Tenant was sufficiently served for the purposes of this Act.

The Landlord WM testified that he mailed copies of the Landlords' documentary evidence, by registered mail, to the Tenant at her mother's address on May 5, 2011. The Landlord provided copies of the registered mail receipt and tracking number. The Tenant testified that she did not receive the documents and that her mother would not accept delivery of the materials on her behalf. Therefore, I find that the Tenant was not provided with copies of the documentary evidence. I advised the Tenant that we could proceed with the Hearing and that I would not consider the Landlords' documentary

evidence, or that we could adjourn and allow the Landlords an opportunity to provide her with the documentary evidence.

The Tenant stated that she would like to see the Landlords' documentary evidence. The Tenant stated that the Landlord could re-send the documentary materials to her mother's address. Therefore, I find that the Tenant has provided her mother's address as the Tenant's address for service.

This matter is adjourned in order to allow the Landlords to serve their documentary evidence upon the Tenant. Notices of Reconvened Hearing are enclosed with the Landlords' copy of this Interim Decision. The Landlords must serve the Tenant, by registered mail to the address the Tenant gave for service, with a copy of the Notice of Reconvened Hearing document, together with copies of their documentary evidence, within 3 days of receipt of this Interim Decision. The Tenant was advised that service of these documents will be deemed to be effected 5 days after mailing, whether or not she chooses to accept delivery of the documents.

Conclusion

This matter is adjourned in order to allow the Landlords to serve their documentary evidence upon the Tenant. Notices of Reconvened Hearing are enclosed with the Landlords' copy of this Interim Decision. The Landlords must serve the Tenant, by registered mail to the Tenant's address for service, with a copy of the Notice of Reconvened Hearing document, together with copies of their documentary evidence, within 3 days of receipt of this Interim Decision.

This interim decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Residential Tenancy Act.

Dated: May 17, 2011.

Residential Tenancy Branch